

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RICHARD D. FORESTER,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

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Case No. 4:20-CV-01783 SEP

MEMORANDUM AND ORDER

This case is before the Court on Defendant Acting Commissioner Kilolo Kijakazi's Motion to Reverse and Remand the case to the Acting Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Doc. [23]. Plaintiff does not oppose the motion.

On December 16, 2020, Plaintiff filed a Complaint seeking review of the ALJ's decision that he was not under a disability within the meaning of the Social Security Act. Doc. [1]. Defendant answered and filed the transcript of the administrative proceedings on July 6, 2021. Docs. [14], [15]. Plaintiff filed a brief in support of the Complaint on August 5, 2021. Doc. [16].

On November 5, 2021, Defendant filed the instant Motion to Reverse and Remand the case for further action under sentence four of section 205(g) of the Social Security Act, which permits the Court "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g). Defendant represents in the motion that, upon review of the record, agency counsel determined that remand was necessary for reevaluation of the medical opinion provided by Plaintiff's treating psychiatrist, as well as further consideration of listings 12.04 and 12.06.

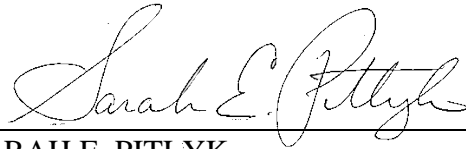
Upon review of Plaintiff's brief, the ALJ's decision, and the Acting Commissioner's motion, the Court agrees that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Motion to Reverse and Remand (Doc. [23]) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the decision of the Commissioner of Social Security is **REVERSED** and this case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.

Dated this 17th day of August, 2022.

A handwritten signature in black ink, reading "Sarah E. Pitlyk", is written over a horizontal line.

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE